

Martha G. Bronitsky  
Chapter 13 Standing Trustee  
Po Box 5004  
Hayward, CA 94540  
(510) 266- 5580

Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re  
Billy James Phillips

Chapter 13 Case Number:  
18-41947-WJL13

Debtor(s)

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**TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE FOR FAILURE TO MAKE  
PLAN PAYMENTS; DECLARATION; AND NOTICE AND OPPORTUNITY TO  
OBJECT**

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**TO THE DEBTOR(S) AND DEBTOR(S)' ATTORNEY:**

Martha G Bronitsky, Chapter 13 Standing Trustee, requests an Order Dismissing this case pursuant to 11 U.S.C. Section 1307(c)(6) upon the grounds that the debtor(s) is in material default for the following reasons:

**1. YOU ARE IN DEFAULT UNDER YOUR CHAPTER 13 PLAN.**

As of November 21, 2018 you should have paid a total of \$8,524.00 to the Chapter 13 Trustee. According to the Trustee's records, you are in default in the amount of \$2,845.00. The default amount includes the current's month payment regardless of the day of the month your payment is due. If your monthly due date falls after the 21 day notice period, you will still have until your due date to make the current month's payment.

**2. TO AVOID DISMISSAL**

Within 21 days of this notice, YOU MUST (a) bring the case current (payment must be received by the Trustee within 21 days); or (b) file and serve a motion to modify plan/amended plan (as applicable) to bring your case current; or (c) file an opposition/request for hearing detailing why the case should not be dismissed stating specific actions you have taken to resolve the delinquency.

1 You should contact your attorney immediately to be advised of your legal options.

2 If you do not take timely action, YOUR CASE MAY BE DISMISSED WITHOUT ANY FURTHER  
3 NOTICE OR HEARING.

4 PURSUANT TO LOCAL BANKRUPTCY RULE 9014-1(b)(3)(A) NOTICE IS HEREBY  
5 GIVEN: Any objection to the requested relief, or a request for hearing on the matter, must be filed and  
6 served upon the initiating party with 21 days of the mailing of notice; any objection or request for  
7 hearing must be accompanied by any declarations or memoranda of law any requesting party wishes to  
8 present in support of its position; if there is no timely objection to the requested relief or a request for  
9 hearing, the court may enter an order granting relief by default.

10 In the event of a timely objection or request for hearing, (either): the initiating party will give at  
11 least seven days written notice of the hearing to the objecting or requesting party, and to any trustee or  
12 committee appointed in the case; or the tentative hearing date, location, and time are "n/a".

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Dated: November 21, 2018

/s/ Martha G. Bronitsky

Signature of Martha G. Bronitsky  
Chapter 13 Standing Trustee

In re  
Billy James Phillips  
debtor(s)

Chapter 13 Case No.  
18-41947-WJL13

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CERTIFICATE OF SERVICE

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I HEREBY CERTIFY that I have served a copy of the within and foregoing document on the debtor (s), counsel for debtor (s), and if applicable, the creditor, creditor representatives and the registered agent for the creditor by depositing it in the United States mail with first class postage attached thereto.

Billy James Phillips

2242 East 22Nd St  
Oakland,CA 94606

(Debtor(s))

Central Coast Bankruptcy  
532 Pajaro St  
Salinas,CA 93901

(Counsel for Debtor)

I delcare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Date: November 21, 2018

/s/ Colleen Cazadamont

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Colleen Cazadamont